

AO 440 (Rev. 06/12) (12/22 WD/VA) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

Whole Woman's Health Alliance, et al.

Plaintiff

v.

United States Food and Drug Administration, et al.

Defendant

Civil Action No. 3:23-cv-00019

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Xavier Becerra, Secretary of Health and Human Services
c/o U.S. Attorney Christopher R. Kavanaugh
United States Attorney's Office, Western District of Virginia
U.S. Courthouse and Federal Building
255 West Main Street, Room 130
Charlottesville, Virginia 22902

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Gail Deady (VSB #82035)
Rabia Muqaddam
Center for Reproductive Rights
199 Water Street, 22nd Fl.
New York, NY 10038

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

LAURA A. AUSTIN, CLERK OF COURT

 Deputy Clerk

Deputy Clerk

Date: 5/8/2023

Civil Action No. 3:23-cv-00019

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* Xavier Becerra, Secretary of Health and Human Services c/o U.S. Attorney Christopher R. Kavanaugh
 was received by me on *(date)* 05/08/23 .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☒ I served the summons on *(name of individual)* Desiree Audia, Legal Assistant for U.S. Attorney Christopher R. Kavanaugh, who is
 designated by law to accept service of process on behalf of *(name of organization)* Xavier Becerra, Secretary of Health and Human Services
 on *(date)* 05/09/2023 at 10:57 AM ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ .

I declare under penalty of perjury that this information is true.

Date: May 9, 2023


R. Wayne Tonker (May 9, 2023 14:15 EDT)

Server's signature

R. Wayne Tonker, Process Server

Printed name and title

Cavalier CPS, 823-C South King St, Leesburg, VA 20175

Server's address

Additional information regarding attempted service, etc:

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Defendant

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To: *(Defendant's name and address)* Robert M. Califf, Commissioner of Food and Drugs, U.S. FDA
c/o U.S. Attorney Christopher R. Kavanaugh
United States Attorney's Office, Western District of Virginia
U.S. Courthouse and Federal Building
255 West Main Street, Room 130
Charlottesville, Virginia 22902

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Gail Deady (VSB #82035)
Rabia Muqaddam
Center for Reproductive Rights
199 Water Street, 22nd Fl.
New York, NY 10038

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Defendant

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To: *(Defendant's name and address)* U.S. Department of Health and Human Services
c/o U.S. Attorney Christopher R. Kavanaugh
United States Attorney's Office, Western District of Virginia
U.S. Courthouse and Federal Building
255 West Main Street, Room 130
Charlottesville, Virginia 22902

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Rabia Muqaddam
Center for Reproductive Rights
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New York, NY 10038

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UNITED STATES FOOD AND DRUG
ADMINISTRATION et al.

Defendant

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